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January 27, 2020

FILED VIA ECF

Honorable Analisa Torres  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: US v. Tova Noel, et al**  
**Docket # 19 cr. 830 (AT)**  
**Request to Adjourn Trial Date**

Dear Judge Torres:

On November 25, 2019, during the initial status conference the Court scheduled the above referenced criminal action for trial to commence on April 20, 2020. I am requesting that the trial date be postponed to sometime in October or a date thereafter that is convenient for the Court.

The adjournment is necessary to ensure that Ms. Noel receives adequate and effective assistance of counsel. The postponement of the trial will allow for the defense to review voluminous discovery and conduct a defense investigation of the case.

On November 22, 2019, I informed the Government that I would provide them with a hard drive during the November 25, 2019 initial status conference. On November 25, 2019, I provided the Government with a hard drive for discovery and the Government informed the Court that they would produce discovery in 30 days. The Government forwarded discovery on the hard drive to my office on December 31, 2019. The discovery was received by my office on January 2, 2020. On January 4, 2020, I attempted to review the discovery and I could not access it because the Government provided the incorrect password to get access. On January 6, 2020, I was provided with the correct password and gained my first access to the discovery.

The discovery contained in the initial production is 877GB of materials. The 877GB of materials contains up to 8118 Bates of global discovery and up to 20,853 Bates of individual discovery. In folder marked SDNY\_00000001, there is video surveillance capturing 3 separate cameras from July 5, 2019 thru August 12, 2019. Each date allegedly contains the 24-hour period for each day, from each camera, and in 1-hour increments per individual file. Note, that there is video surveillance in the Government's possession that has not been turned over, however, the Government

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ATTORNEYS AT LAW

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indicated that those video surveillance files will be turned over upon request. Furthermore, SDNY\_7549-8118 contains the interviews of approximately 29 employees and 14 inmates. It will be necessary to interview many, if not all the witnesses previously interviewed by the Government.

A review of the video surveillance turned over reveals that most of the videos are not date or time stamped. After discussions with the Government, on January 21, 2020, I provided the Government with a flash drive to reproduce the same video surveillance contained in SDNY\_00000001 with the date and time stamps. On January 22, 2020, the Government received the flash drive and advised my office that the flash drive was not functioning properly. On January 23, 2020, I forwarded a 1TB hard drive to the Government to provide the requested materials. Based upon representations made by the Government, I expect to receive the hard drive back by January 27, 2020.

On January 24, 2020, my office received additional discovery from the Government. The additional discovery increased the global discovery Bates number to 8132.

Based upon the volume of discovery received to date, defendant Noel is not able to determine what motions or legal issues she will raise. I anticipate making additional requests for discovery or information, however, I will need significant time to review and digest the discovery to have an appreciation of what materials we do have and what materials we do not have that we are entitled to.

I will be prepared to discuss this issue in further detail during our upcoming status conference on January 30, 2020 at 11:00am. Thank you for your thoughtful consideration.

Sincerely,

FOY & SEPLOWITZ LLC

A handwritten signature in black ink that reads "Jason E. Foy". The signature is written in a cursive, slightly slanted style.

JASON E. FOY

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encl.